UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,258	02/25/2002	Kiran Venkatesh Hegde	DAND0004	3975

75671 7590 03/02/2010

Sadler, Breen, Morasch & Colby, ps
422 W. Riverside Ave, Suite 424
Spokane, WA 99201

EXAMINER	
STORK, KYLE R	

ART UNIT	PAPER NUMBER
2178	

NOTIFICATION DATE	DELIVERY MODE
03/02/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptocorrespondence@sbmc-law.com

Office Action Summary	Application No.	Applicant(s)	
	10/084,258	HEGDE ET AL.	
	Examiner	Art Unit	
	KYLE R. STORK	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 December 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-21 and 23-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5-21 and 23-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *12.3.09*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This final office action is in response to the amendment filed 3 December 2009.

2. Claims 1-3, 5-21, and 23-28 are pending. Claim 28 is newly added.

The rejection of claims 1-3, 5-7, 9-14, 16-20, and 23-27 under 35 U.S.C. 103(a) as being unpatentable over Armstrong et al. (US 6985934, filed 23 October 2000, hereafter Armstrong), and further in view of Fu et al. (US 7010580, filed 10 October 2000, hereafter Fu) has been withdrawn as necessitated by the amendments.

The rejection of claims 8, 15, and 21 35 U.S.C. 103(a) as being unpatentable over Armstrong and Fu, and further in view of Crow et al. (US 6262724, application 1999, hereafter Crow) has been withdrawn as necessitated by the amendment.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-3, 5-7, 9-14, 16-20, and 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong et al. (US 6985934, filed 23 October 2000, hereafter Armstrong), and further in view of Wade (US 2002/0019831, filed 19 January 2001).

As per independent claim 1, Armstrong discloses a method comprising:

automatically determining when an internet browser of a network device on a network has requested access to a rich media presentation (Figure 1A; Figure 3, item 301; column 7, lines 25-29: Here, a client computer, which is a network device (see column 6, lines 42-47), connects to a server)

detecting one or more attributes relating to rich media presentation capabilities of one or both of the internet browser and the network device (Figure 1B; Figure 3, items 302-303; column 7, lines 44-51)

selecting an appropriate rich media presentation to be sent to the internet browser from among a plurality of rich media presentations based on the detected one or more attributes (Figure 1C-1E; Figure 3, items 304-305; column 8, lines 4-19: Here, an appropriate rich media presentation is selected to be sent to the internet browser based upon a pre-established preference ranking)

Armstrong fails to specifically disclose the presentation package including a viewer configured to view the data of the media package. However, Wade discloses

receiving a request for a presentation (Figure 2, item 31) detection of one or both of a browser's or network device's rich media capabilities (Figure 21, item 152), and packaging a viewer configured to view the data within the media package (Figure 21, items 154 and 158). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Wade with Armstrong, since it would have allowed a user to view presentations, even if his/her machine originally did failed to have a multimedia player.

As per dependent claim 2, Armstrong discloses wherein detecting one or more attributes comprises detecting two or more attributes from an operating system attribute, a plug-in attribute, a browser type attribute, a firewall attribute, a monitor setting attribute, a language attribute, a bandwidth attribute or a protocol attribute (column 5, lines 41-62; column 10, lines 17-32: Here, the system may include a communications interface. This communication interface specifies the bandwidth and protocol for transfer of data. Further, as being part of the system, these attributes are detected when the server queries the hardware and software capabilities of the system).

As per dependent claim 3, Armstrong discloses determining when one or both of the internet browser and the network device supports playing the rich media presentation, configuring the rich media presentation based on the detected attributes when a determination is made that playing of the rich media presentation is supported, otherwise, causing a supported presentation to be sent to the internet browser (column 8, lines 4-19).

As per dependent claim 5, Armstrong discloses allowing a client to modify one or more characteristics associated with the rich media presentation (column 9, lines 1-41: Here, a user can modify the characteristics of the presentation, such as turning on/off audio and/or video).

As per dependent claim 6, Armstrong discloses wherein causing the selected rich media presentation to be sent to the network device comprises utilizing an ad serving engine (column 2, lines 4-42).

As per dependent claim 7, Armstrong discloses wherein causing the selected rich media presentation to be sent to the network device comprises utilizing an email serving engine (column 9, lines 23-32).

As per dependent claim 9, Armstrong discloses wherein selecting the appropriate rich media presentation comprises:

selecting a virtual player configured for the network device (column 8, lines 44-67)

selecting a presentation package configured for the network device (Figure 1C-1E; Figure 3, items 304-305; column 8, lines 4-33)

selecting a media package for the network device (Figure 1C-1E; Figure 3, items 304-305; column 8, lines 4-33)

As per claims 10 and 16, the applicant discloses the limitations substantially similar to those in claim 1. Claims 10 and 16 are similarly rejected.

As per claims 11 and 17, the applicant discloses the limitations substantially similar to those in claim 3. Claims 11 and 17 are similarly rejected.

As per dependent claims 12 and 18, Armstrong discloses wherein the rich media presentation is configured to be presented with a banner ad that is selectable to cause an action to be performed (column 1, line 56- column 2, line 42).

As per claims 13 and 19, the applicant discloses the limitations similar to those in claim 6. Claims 13 and 19 are similarly rejected.

As per claim 14 and 20, the applicant discloses the limitations similar to those in claim 7. Claims 14 and 20 are similarly rejected.

As per dependent claim 23, Armstrong further discloses causing the selected rich media presentation to be sent to the internet browser (Figure 1C-1E; Figure 3, items 305-306; column 8, lines 44-50).

As per dependent claims 24, Armstrong further discloses the one or more attributes including at least one of: an operating system type attribute, a plug-in attribute, a browser type attribute, a firewall attribute, a monitor setting attribute, a language attribute, a bandwidth attribute, or a protocol attribute (column 2, lines 22-42; column 5, lines 41-62: Here, one piece of software often contained within a browser for playback of specialized formats such as MPEG, QTF, and AVI are plug-ins. Similarly, the hardware and software capabilities of the network device are determined. This determination step would include determining if plug-ins allowing for playback of formats such as MPEG, QTF, and AVI are installed).

As per dependent claims 25 and 27, the applicant discloses the limitations substantially similar to those in claim 24. Claims 25 and 27 are similarly rejected.

As per dependent claim 26, the applicant discloses the limitations substantially similar to those in claim 23. Claim 26 is similarly rejected.

As per dependent claim 28, Wade discloses detecting an attribute that indicates a media player type for a media player included on the network device (Figure 21, item 152: Here, it is determined whether the media player is compatible with the advertisement presentation). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Wade with Armstrong, since it would have allowed a user to view presentation data.

6. Claims 8, 15, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Armstrong and Wade, and further in view of Crow et al. (US 6262724, application 1999, hereafter Crow).

As per dependent claim 8, Armstrong discloses the limitations similar to those in claim 5, and the same rejection is incorporated herein. Armstrong fails to specifically disclose delivering an image to the device that is displayed on the device at a location relating to the rich media presentation. Crow further discloses the method comprising delivering an image to the device that is displayed on the device at a location relating to the rich media presentation (Figure 4, items 248 and 250: Here, the media source icons are images displayed on the device and the location is related to the corresponding presentation). It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have combined Crow with Armstrong, since it would have

allowed a user to view an image representing the presentation prior to displaying the entire presentation.

As per claims 15 and 21, the applicant discloses the limitations similar to those in claim 8. Claims 15 and 21 are similarly rejected.

Response to Arguments

7. Applicant's arguments with respect to claims 1-3, 5-21, and 23-28 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KYLE R. STORK whose telephone number is (571)272-4130. The examiner can normally be reached on Monday-Friday (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kyle R Stork/
Primary Examiner, Art Unit 2178